

Remarks/Arguments

In the Office Action, paragraph 5, claims 1-38 and 41-44 are rejected under 35 U.S.C. § 102(e) as being anticipated by Allen, et al. In response, it is respectfully submitted that the subject matter of the instant application was conceived at least as early as 27 June 2001, which is prior to the effective date of Allen, et al., which is 24 August 2001. Submitted herewith as Exhibit 1 in support of a conception date earlier than the effective date of Allen, et al., is a declaration of the inventor's supervisor, Mr. Mullis. Mr. Mullis' declaration is submitted for the purpose of authenticating the attachments thereto. The attachments speak for themselves.

Exhibits A and B are the first and last pages of an invention disclosure form that was prepared by Mr. Slavin, signed, and dated on 27 June 2001. Exhibit C is four figures that accompanied the invention disclosure form. The four figures of Exhibit C were also signed and dated on 27 June 2001 by a witness. Figures 1-3 of the disclosure became figures 1-3 of the application, respectively. The subject matter of figure 4 of the disclosure is found in figure 3 of the application. In view of the declaration and its Exhibits A - C, it is respectfully submitted that applicant has demonstrated a conception date at least as early as 27 June 2001, which is prior to the effective date of Allen, et al.

The invention disclosure form was received by the undersigned attorney on 27 July 2001 with instructions from the Micron patent department to prepare a patent application directed to the subject matter of the disclosure. The first draft of the application was sent to the inventor, Mr. Slavin, by letter dated 18 September 2001. (See Exhibit 2.) By letter dated 11 October 2001 (see Exhibit 3) a copy of the application together with formal papers was mailed to Mr. Slavin via overnight mail. The application was filed on 1 November 2001. It is respectfully submitted that the foregoing timeline demonstrates diligence from 27 June 2001 until the filing of the application on 1 November 2001.

It is respectfully submitted that applicant has demonstrated a conception date earlier than the effective date of Allen, et al., and has demonstrated diligence from that date until the filing of the application. It is therefore applicant's position that Allen, et al. may not be relied upon by the Office in rejecting the claims of the instant application. As the only rejection of the claims of the instant application is based on Allen, et al., it is believed that the instant application is in now in condition for allowance.

Applicant has made a diligent effort to place the instant application in condition for allowance. The issue fee for this application has already been paid. Accordingly, it is respectfully requested that the instant application be passed to issue so that a patent may be issued for claims 1-38 and 41-44. If the

Appl. No.: 10/002,461
Amdt. Dated: 10 February 2006
Reply to Office action of October 21, 2005

Examiner is of the opinion that the instant application is in condition for disposition other than through issuance, the Examiner is respectfully requested to contact applicant's attorney at the telephone number listed below.

Respectfully submitted,



Edward L. Pencoske
Reg. No. 29,688
Jones Day
500 Grant Street, 31st Floor
Pittsburgh, PA 15219
(412) 391-3939